



August 11, 2006

Mr. John Carlson, Executive Director  
California Fish & Game Commission  
1416 Ninth Street  
Sacramento, CA 95814

Dear Mr. Carlson and members of the Commission:

Thank you for this opportunity to comment. These comments are focused on the proposed designations within the Morro Bay Estuary.

The Marine Protected Area Package proposed by the Department of Fish and Game (Package P) would classify over 90%\* of the Morro Bay Estuary as the Morro Bay State Marine Recreational Management Area (SMRMA). The Morro Bay National Estuary Program strongly urges you to change this proposed SMRMA to a State Marine Conservation Area. \*(areas provided in Package P justification)

We are not requesting any change to the specific activities proposed to be allowed and restricted in the Morro Bay SMRMA under Package P. The proposed uses and restrictions on uses are reasonable, consistent with the goals of the MLPA, and reflect the consensus developed by the Central Coast Regional Stakeholder Group and the Blue Ribbon Task Force. Importantly, the proposed uses are also entirely consistent with an SMCA designation.

The SMRMA is an inappropriate designation for the Morro Bay Estuary both by definition, and by intent. As defined in the Marine Managed Areas Improvement Act (PRC Section 36700-36900), a SMRMA is not a Marine Protected Area because it is **not** "primarily intended to protect or conserve marine life and habitat". A SMRMA is a Marine Managed Area focused on recreational uses. Only three designations are defined as MPAs: State Marine Conservation Areas, State Marine Parks, and State Marine Reserves (PRC 36602 (e), also see MLPA website). A SMRMA is therefore **not** primarily intended to protect or conserve marine life and habitat; should not be considered as part of a network of MPAs, and is not consistent with goals 1 through 4 of the Marine Life Protection Program, each of which include clear language about protecting, sustaining, or conserving marine resources. Changing the Morro Bay SMRMA to a SMCA would resolve each of these issues.

This is more than legal parsing of definitions because it speaks directly to the underlying intent and purpose behind each MMA or MPA designation. The proposed SMRMA places recreational uses as the primary and underlying priority for most of Morro Bay. The Morro Bay Estuary provides tremendous recreational opportunities, but it is also widely recognized as encompassing rare and important physical and biological marine resources that warrant recognition and protection through the MLPA process. The significance of these resources has been well documented and supported throughout this Central Coast MLPA process. Briefly, the Morro Bay Estuary hosts a diverse array of rare and productive habitats including intertidal mudflats, eelgrass beds, and salt marshes; serves as a nursery and spawning ground for diverse fishes, is critical habitat to endangered species including tidewater gobies, southern steelhead trout, peregrine falcons, and the black rail among others, and is an important stop on the Pacific Flyway recognized as an Important Bird Area because of the incredible diversity of bird species found in and around the estuary. It is one of only two significant estuaries in the Study Region, the other is primarily proposed as a State Marine Reserve in Package P.

In recognition of these significant resources, and the threats facing them, Morro Bay is designated as a National Estuary under the U.S. EPA's National Estuary Program. Through the Morro Bay NEP, a Comprehensive Conservation and Management Plan to protect and restore the resources of Morro Bay was developed with broad participation and input from agencies and local stakeholders, and the Morro Bay National Estuary Program is working actively to implement that plan. Recreational resources are recognized as an important component of the estuary in our plan, but Morro Bay warrants a designation that recognizes more than just the recreational value of the estuary.

The rationale for designating Morro Bay as an SMRMA appears to be an assessment that a SMCA designation would affect existing waterfowl hunting on the estuary. The reasoning behind this assessment is unclear. The SMCA designation clearly allows the Commission and Department significant leeway to allow or restrict specific recreational and commercial uses, including sustainable harvest of living marine resources. The determination of appropriate sustainable waterfowl hunting regulations occurs through a separate well-established process. A Morro Bay SMCA could and should simply allow waterfowl hunting as set through that process.

Changing the proposed Morro Bay SMRMA to the Morro Bay SMCA will:

- Resolve the significant problem that a SMRMA is not an MPA designation;
- Ensure that the Morro Bay designation is consistent with the MLPA goals to protect and conserve marine resources;
- Provide broad leeway to manage sustainable commercial and recreational uses including waterfowl hunting; and
- Recognize the significance of this rare estuarine environment and help protect and conserve the incredible diversity and abundance of marine resources that depend on it.

The Morro Bay National Estuary Program urges you to change the proposed Morro Bay SMRMA to a SMCA. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Daniel Berman". The signature is written in a cursive style with a large initial 'D' and 'B'.

Daniel Berman  
Program Director  
Morro Bay National Estuary Program

Cc: Resources Secretary Mike Chrisman  
Director Ryan Broddrick  
BRTF Chairman Phil Isenberg  
DFG Policy Advisor John Ugoretz  
Morro Bay National Estuary Program Executive Committee  
Bay Foundation of Morro Bay